

Notice of Allowability

Application No.

10/654,328

Examiner

Eric A. Gates

Applicant(s)

WEIDMER, STAN C.

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's preliminary amendments filed 25 March 2004 and 29 December 2003.
2. ☒ The allowed claim(s) is/are 1,2,4-6,9-21 and 24-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 9/3/03, 6/30/04, 10/25/04, 8/11/06.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Andrew Ulmer on 24 January 2008.

The application has been amended as follows:

Claim 1. (Currently amended) A tool for cutting material from a workpiece comprising: at least one blade member including a blade configured to cut material from the workpiece, said at least one blade member being selectively biasable to at least one of a plurality of alternative use positions; and a selective bias device configured to selectively bias said at least one blade member to at least one of a plurality of alternative use positions based on angular orientation of said at least one blade member, wherein the selective bias device comprises a selectively pressurized fluid, wherein said tool includes a conduit configured for said pressurized fluid, said conduit including one or more vents configured to allow a flow of said pressurized fluid to exit said conduit, and comprising means for selectively covering or uncovering said one or more vents as a function of the angular orientation of said tool.

Claim 3. (Cancelled)

Claim 4. (Currently amended) The tool according to claim 1 ~~3~~, wherein the fluid pressure controls which of said at least one of a plurality of alternative use positions to which said at least one blade member is biased.

Claim 5. (Currently amended) The tool according to claim 1 ~~3~~, wherein which of the plurality of alternate use positions to which said at least one blade member is selectively biased is a function of the pressure of said pressurized fluid.

Claim 6. (Currently amended) The tool according to claim 1 ~~3~~, wherein the fluid pressure is a function of the angular orientation of said tool.

Claim 7. (Cancelled)

Claim 8. (Cancelled)

Claim 9. (Currently amended) The tool according to claim 1 ~~3~~, wherein said means includes one or more vent blocks.

Claim 10. (Currently amended) The tool according to claim 1 ~~3~~, wherein said tool comprises a circumferential surface, and said one or more vents are formed in the

circumferential surface of said tool.

Claim 17. (Currently amended) A tool for cutting material from a workpiece, comprising at least one blade member including a blade configured to cut material from the workpiece, said at least one blade member being selectively biasable by a selectively pressurized fluid to at least one of a plurality of alternative use positions based on angular orientation of said at least one blade member, wherein said tool includes a conduit configured for said pressurized fluid, said conduit including one or more vents configured to allow a flow of said pressurized fluid to exit said conduit, and comprising means for selectively covering or uncovering said one or more vents as a function of the angular orientation of said tool.

Claim 22. (Cancelled)

Claim 23. (Cancelled)

Claim 25. (Currently amended) The tool according to claim 17-22, wherein said tool comprises a circumferential surface, and said one or more vents are formed in the circumferential surface of said tool.

Claim 32. (Currently amended) A method of using a tool to cut material from a workpiece, the method comprising the steps of: a. providing a tool comprising at least

said blade member being selectively biasable to at least one of a plurality of alternative use positions; b. rotating the blade member and the workpiece relative to one another so that the blade removes material from the workpiece; c. selectively biasing said at least one blade member to at least one of a plurality of alternative use positions based on angular orientation of said at least one blade member relative to said workpiece, further comprising the step of causing pressurized fluid to bear on said at least one blade member in order to selectively bias said at least one blade member, further comprising the step of causing the pressure of said pressurized fluid to vary based on the angular orientation of said at least one blade member relative to said workpiece, wherein said tool includes a circumferential surface, and wherein the step of varying the pressure comprises the step of selectively covering and uncovering any of a plurality of vents formed in said circumferential surface.

Claims 33-35. (Cancelled)

Allowable Subject Matter

2. Claims 1, 2, 4-6, 9-21, and 24-32 are allowed. Claims 1, 17, and 32 are the independent claims.

3. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is U.S. Patent 6,270,295 to Hyatt et al. Hyatt et al. discloses a tool 100 for cutting material from a workpiece comprising: at least one blade member 126 including a blade 126 configured to cut material from the workpiece, said

at least one blade member being selectively biasable to at least one of a plurality of alternative use positions; and a selective bias device 11 configured to selectively bias said at least one blade member to at least one of a plurality of alternative use positions based on angular orientation of said at least one blade member, wherein the selective bias device comprises a selectively pressurized fluid, wherein said tool includes a conduit 108 configured for said pressurized fluid, said conduit including one or more vents 114 configured to allow a flow of said pressurized fluid to exit said conduit.

The patent to Hyatt et al. does not disclose "means for selectively covering or uncovering said one or more vents as a function of the angular orientation of said tool" as claimed in independent claims 1 and 17, or "wherein the step of varying the pressure comprises the step of selectively covering and uncovering any of a plurality of vents formed in said circumferential surface" as claimed in independent claim 32, and as such does not anticipate the instant invention as disclosed in independent claims 1, 17, and 32.

Furthermore, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of Hyatt et al., and thus, for at least the foregoing reasoning, the prior art of record does not render obvious the present invention as set forth in independent claims 1, 17, and 32.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is (571) 272-5498. The examiner can normally be reached on Mon-Thurs 8:45 - 6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EAG
25 January 2008

Monica S. Carter
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SUPERVISORY PATENT EXAMINER